

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CORNELIUS PEARSON, ISIAH WILLIAMS,
and ANTWAUN ANDERSON,

Case No. 15-12467

Plaintiffs,

Honorable John Corbett O'Meara

v.

C& J GENERAL CONTRACTORS, INC.,
KENNETH JORDAN, and SAMUEL WORTHY,

Defendants.

ORDER OF PARTIAL REMAND

This matter came before the court on Defendants' notice of removal based on federal question jurisdiction. Plaintiffs' complaint alleges the following causes of action: Count I, violation of 29 U.S.C. § 201, regarding minimum wage; Count II, violation of 29 U.S.C. § 201, regarding overtime; Count III, violation of Mich. Comp. Laws Ann. § 408.411, regarding minimum wage; Count IV, common law breach of contract; and Count V, common law unjust enrichment/*quantum meruit*.

Although Counts I and II are cognizable in this court pursuant to 28 U.S.C. § 1331, the allegations presented in the remaining counts are based on state law. The parties to this action are not diverse. Therefore, this court declines to exercise supplemental jurisdiction over Plaintiffs' state law claims to avoid jury confusion. Moreover, the state claims predominate. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 282 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

ORDER

It is hereby **ORDERED** that Counts III, IV and V are **REMANDED** to the Circuit Court for the County of Wayne.

s/John Corbett O'Meara
United States District Judge

Date: August 7, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, August 7, 2015, using the ECF system.

s/William Barkholz
Case Manager